

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONNECTOR CASTINGS, INC.,)	
)	
Plaintiff,)	Cause No.: 4:15-cv-01154
)	
vs.)	
)	
MASTERMAN'S LLP d/b/a)	Removed from the Circuit Court of the
MASTERMAN'S, LISA MARIE)	City of St. Louis, State of Missouri
NORKAITIS, and JOHN DOES 1-10,)	Case No. 1522-CC09946
)	
Defendants.)	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COME NOW Defendants Masterman's LLP d/b/a Masterman's ("Masterman's") and Lisa Marie Norkaitis ("Norkaitis"), and hereby give notice of the removal of this action from the Circuit Court of the City of St. Louis, State of Missouri, to the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. §§ 1441.

1. On June 19, 2015, Plaintiff filed this action in the Circuit Court of the City of St. Louis, State of Missouri, Case No. 1522-CC09946.

2. Pursuant to 28 U.S.C § 1446(a), a true and correct copy of the state court case file is attached hereto as **Exhibit 1** and incorporated herein by reference. Exhibit 1 includes all process, pleadings, motions, and orders filed in this case.

3. Masterman's was served with the Petition and Summons on June 29, 2015.

4. Plaintiff attempted but failed to properly serve Norkaitis. By filing this Notice of Removal, Norkaitis does not waive any objections to service of process or personal jurisdiction. See Growth Opportunity Connection, Inc. v. Philadelphia Indem. Ins. Co., No. 11-00601-CV-W-DGK, 2011 WL 6141097, at *10 (W.D. Mo. Dec. 9, 2011).

5. This Notice of Removal was timely filed. See 28 U.S.C. § 1446(b)(2) (stating that each defendant has 30 days after receipt by or service on that defendant of the initial pleading or summons to file a notice of removal).

6. No Defendant, nor its/her attorneys, has entered an appearance, filed any responsive pleadings, or filed any papers responding to the Petition in the state court.

7. This Notice of Removal is being filed in the United States District Court for the district in which the action is currently pending pursuant to 28 U.S.C. § 1441(a).

8. This action may be removed to this Court because federal question jurisdiction exists over this dispute pursuant to 28 U.S.C. § 1331.

9. Plaintiff alleges violations of the federal Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, and the regulations promulgated thereunder. The United States Supreme Court has unanimously held that federal courts have federal-question jurisdiction over private TCPA suits. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740 (2012). Therefore, this action is one over which this Court has original jurisdiction under § 1331 and is one which may be removed pursuant to 28 U.S.C. § 1441.

10. Masterman’s and Norkaitis will promptly give written notice of the filing of this Notice of Removal to all parties, and a copy of this Notice will be filed with the Clerk of the Circuit Court as required by 28 U.S.C. § 1446(d).

11. All served Defendants consent to the removal of this action.

WHEREFORE, Defendants Masterman’s and Norkaitis hereby remove this proceeding from the Circuit Court of the City of St. Louis, State of Missouri, to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and request that this Court take jurisdiction of this civil action to the exclusion of any further proceedings in state court.

Respectfully submitted,

Dated: July 28, 2015

GREENSFELDER, HEMKER & GALE, P.C.

By /s/ David P. Niemeier
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*Attorneys for Defendants Masterman's LLP d/b/a
Masterman's and Lisa Marie Norkaitis*

CERTIFICATE OF SERVICE

The undersigned certifies that on this 28th day of July, 2015, the foregoing document was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ David P. Niemeier